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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,833	02/06/2002	Andrew L. Norrell	PA1599US	3740

7590 08/28/2008

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 08/28/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

DETAILED ACTION

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c)

1. The appeal brief filed on Dec 21, 2007 is defective because it did not fully comply with 37 CFR 41.37(c).

A review of the appeal brief filed on June 13, 2008 indicates that the Appeal brief has not fully complied with 37 CFR 41.37(c). The following errors are noted:

1) Appellants have submitted a declaration by two listed inventors to overcome the Hinman reference [Appeal Brief; pages 15-16], wherein the declaration has not been submitted as an appendix thereto (37 CFR 41.37(c).(1)(ix)).

2) The declaration itself is defective because the signature of First inventor, Andrew L. Norrell, is **missing**. As a result, this declaration will not be entered.

2. A supplemental appeal brief in compliance with 37 CFR § 41.37 is required.

3. To avoid dismissal of the appeal, appellant must ratify the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

Art Unit: 2614

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMNANDAN SINGH whose telephone number is (571)272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAMNANDAN SINGH/
Primary Examiner,
Art Unit 2614